

Notes of Board-GAC Teleconference 20 July 2016

Notes of teleconference between the ICANN Board and the Governmental Advisory Committee (GAC) held on Wednesday 20 July 2016 1300-1430 UTC.

A recording of the call is on the GAC website can be found [here](#).

The following table lists those present.

GAC	ICANN BOARD	ICANN STAFF
Thomas Schneider (Chair) Ashton Fearon, Antigua and Barbuda Olga Cavalli/ Miguel Ignacio Estrada/ Augustina Callegari, Argentina Alice Munyua, AUC Annaliese Williams, Australia Marisa Stones, Bermuda Andreea Brambilla/Taylor Bentley, Canada Jaifa Mezher, Colombia Pua Hunter, Cook Islands Finn Petersen, Denmark Cristina Monti, EU Manal Ismail, Egypt Sabine Meyer, Germany Maura Gambassi, Italy Miguel Munoz, Mexico Par Brumark, Niue Milagros Castanon, Peru Joanna Malczewska, Poland Gema Campillos, Spain Wanawit Ahkuputra, Thailand Mark Carvell, United Kingdom Chris Hemmerlein, United States Shin Takamura, Japan Wadji Alquliti, OIC Jonathan Passaro, OECD Kerry-Ann Barrett, OAS Towela Jera, NEPAD Ty Gray, WIPO Jason Plomp/Guri Dhanoa, RCMP Olof Nordling: ICANN Karine Perset: ICANN Julia Charvolen: ICANN Tom Dale: ACIG Michelle Scott-Tucker: ACIG	Steve Crocker (Chair) Becky Burr George Sandowsky Bruno Lanvin Rinalia Abdul-Rahim Lousewies van der Laan Chris Disspain Cherine Chalaby Asha Hemrajani Jonne Soininen Ram Mohan Ron da Silva Rafael Lito Ibarra Markus Kummer Akinori Maemura	Wendy Profit Teresa Elias Vinciane Koenigsfeld Melissa King John Jeffrey David Olive Susanna Bennett Tarek Kamel Mary Wong Erika Randall Allen Grogan Amy Stathos Cyrus Namazi David Conrad Duncan Burns Michelle Bright Theresa Swinehart Xavier Calvez Nigel Hickson Anne-Rachel Inne

Purpose of the call

The GAC and ICANN Chairs noted that:

- This is a trial of a new meeting (not replacing other GAC-Board discussions).
- It is an opportunity to explain and clarify the most recent GAC Communiqué for the benefit of both the Board and GAC.
- The Board is still in the first stages of ensuring that they fully understand the advice to the Board contained in the Communiqué. They will then proceed to assess whether or not to accept the advice, including consideration of feasibility and costs; how to implement the advice; and ensuring there is agreement that it has been implemented properly.
- ICANN staff had prepared a number of suggested questions for the Board to put to the GAC.

Issues in the GAC Helsinki Communiqué

Red Cross Red Crescent Protections (not advice to Board but included in Communiqué)

There was a brief discussion when some of the Board met with GNSO Council in Helsinki. The possibility has been raised of carving out this issue from others that may take more time. The Board will respond to the recent letter from the GNSO on this issue and the response “will be swift.”

Future gTLDs Policies & Procedures

- Some Board members are unclear on what specific measures the Board is being asked to take other than what is happening currently. For example, the Competition, Consumer Trust and Consumer Choice Review could be seen as addressing the need for a full analysis of costs and benefits of the current round.
- Other Board members said they did not disagree with the principles contained in the GAC advice but they could be seen as motherhood statements that are not possible to implement in a meaningful way.
- A question from ICANN staff, through the Board, asked if GAC believes it is the Board's role to manage the timelines of all the communities' work streams?
- GAC members noted that there is a long history of advice based on principles rather than detailed implementation (for example, GAC Principles on New gTLDs); that it can be argued that current reviews do not address the basic issue of whether new gTLDs are necessary or desirable; and that governments are simply trying to ensure that public policy considerations are given due weight.

Privacy & Proxy Services Accreditation Issues

- GAC members noted that this advice focuses on participation in the implementation phase and does not provide the Board with advice that conflicts with the PDP recommendations.
- Board members stressed the importance of GAC early engagement – including by individual GAC members – in PDPs. GAC members suggested that this is increasingly happening through joint work on procedures between the GNSO and the GAC.

2-Letter Country Codes at the Second Level

- Board members asked what GAC expectations are of contracted parties, for example some sort of formal agreement between such parties and governments. It was noted that GAC has not discussed this level of detail, but could respond to a request from the Board if necessary.
- GAC members stated that the intention of the advice (not just in the Helsinki Communiqué, but in previous Communiqués dealing with these issues) is to enable those governments who

want a say in the use of their codes at the second level to be able to do so, while recognising that many governments do not want such a role.

- Board members asked why not simply advise that a government should have a right of veto if they wish. GAC members noted that they understood that such a right of veto is not available under current contractual arrangements, that some codes have already been released, and that not all GAC members would necessarily support such specific advice.

3-Letter Country Codes at the Top Level

- Board members noted that there are several 3-letter codes in use at the second level. GAC members made clear that this advice relates to 3-letter country codes at the top level.
- Board members suggested that new gTLD applicants could claim that continuing restrictions could put them at a disadvantage vis a vis legacy TLDs. GAC members noted in response that only one ISO 3166-1 3-letter country code is being used at the top level at present (.com, which is also the code for Comoros)
- The request in the rationale for “time and sincere engagement” was explained by the GAC Chair as relating to sufficient time for proper analysis rather than a specific timeframe.

Protection of IGO Names & Acronyms

- Discussions on this issue in Helsinki between Board members, GAC and IGO representatives and the GNSO were noted. The OECD stated that IGOs are available for further consultation if necessary.

Board-GAC Relationship

- Board and GAC members exchanged views about their respective roles and some differing perceptions.
- The GAC Chair and several GAC members noted that the GAC's only formal role under the Bylaws is to advise the Board on public policy aspects of ICANN work, and that the Board has ultimate responsibility for policy decisions, including where there are conflicting views from GAC and a Supporting Organisation; and also for implementation, which is primarily an issue between the Board and staff, rather than the GAC.
- The Board Chair and several Board members suggested that formal ICANN structures (such as the Bylaws) do not preclude common-sense approaches to try to find policy outcomes that meet all stakeholder concerns. Expertise lies with the PDP members, and no one stakeholder can have a power of veto, as that is contrary to the multistakeholder model. This is why continued dialogue is sometimes preferable to the Board making a quick decision as if the issues are black and white when they are not.
- Some Board members said it would be helpful to make clear in meetings such as this whether GAC members are speaking as individuals, national representatives or on behalf of the GAC.
- It was noted that for many smaller countries, their only participation in any part of the ICANN community is through their representatives in the GAC.

Concluding Remarks from Chairs

The Chairs agreed that the discussion had been substantive and helpful in clarifying the respective views of the GAC and the Board, and avoiding misunderstandings. The Board will give further consideration to the advice contained in the Helsinki Communiqué.

Document Administration

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